

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

| | | |
|-----------------------------|---|------------------|
| AMERICAN PETROLEUM |) | |
| INSTITUTE, et al., |) | |
| |) | |
| <i>Petitioners,</i> |) | CASE NO. 22-1222 |
| |) | |
| v. |) | |
| |) | |
| UNITED STATES DEPARTMENT OF |) | |
| THE INTERIOR, et al., |) | |
| |) | |
| <i>Respondents.</i> |) | |
| |) | |
| |) | |
| |) | |
| |) | |

STATEMENT OF UNDERLYING DECISION

Pursuant to the Clerk’s August 26, 2022 Order, Petitioners state as follows regarding underlying decisions from which their Petition arises. Respondents failed to timely prepare and maintain a Five-Year Leasing program for leasing federal oil and gas on the Outer Continental Shelf as required by the Outer Continental Shelf Lands Act, 43 U.S.C. § 1344(a). At a minimum, Respondents failed to do so prior to expiration of the 2017-2022 Five-Year Leasing Program on July 1, 2022.

Dated: September 26, 2022

Respectfully submitted,

/s/ James M. Auslander

James M. Auslander

Peter J. Schaumberg

BEVERIDGE & DIAMOND, P.C.

1900 N Street, N.W., Suite 100

Washington, DC 20036
(202) 789-6009
jauslander@bdlaw.com
pschaumberg@bdlaw.com
Attorneys for Petitioners

CERTIFICATE OF SERVICE

I hereby certify that on September 26, 2022, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system, which will send and serve notifications of the foregoing to all counsel of record.

/s/ James M. Auslander
James M. Auslander